

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA

CIVIL ACTION NO. 1:16-cv-1264

ADJOAVI V. SOUMAGBO, )  
vs. Plaintiff, )  
CARDINAL HEALTH, )  
Defendant. )

**NOTICE OF REMOVAL TO**  
**FEDERAL COURT**

**TO: CLERK OF THE COURT**  
**MIDDLE DISTRICT OF NORTH CAROLINA**

Pursuant to 28 U.S.C. §§ 1331 and 1441, Defendant, Cardinal Health (hereinafter “Defendant”)<sup>1</sup>, by and through its undersigned counsel, respectfully removes the above-entitled action from the Superior Court of Guilford County, North Carolina, to the United States District Court for the Middle District of North Carolina. This action is being removed to federal court based on federal question jurisdiction.

In support of this Notice of Removal, Defendant states as follows:

1. This action is being removed to federal court based on federal question jurisdiction in that this action arises under the laws of the United States, namely Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.* (“Title VII”).
2. On or about September 21, 2016, Plaintiff commenced this civil action by filing a Complaint in the General Court of Justice, Superior Court Division for Guilford County,

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<sup>1</sup> Plaintiff was not employed by “Cardinal Health” and “Cardinal Health” is not a legal entity. The legal entity that employed Plaintiff was “Cardinal Health 110, LLC.” As a result, this *Notice of Removal* is being filed on behalf of Cardinal Health by Cardinal Health 110, LLC.

North Carolina, under the caption Adjoavi V. Soumagbo v. Cardinal Health, Case No. 16 CVS 7593.

3. On or about September 26, 2016, Defendant was served with a copy of the Summons and Complaint. Pursuant to the provisions of 28 U.S.C. § 1446, a copy of the Summons and Complaint are attached hereto as Exhibit "A," and are incorporated herein by reference.

4. This Notice of Removal is timely filed within thirty (30) days of service of the Complaint in this cause to the Defendant, pursuant to 28 U.S.C. § 1446(b).

5. In the Complaint, Plaintiff purports to assert claims against Defendant based on one or more federal statutes, including alleged claims arising under Title VII and for the reasons that the Plaintiff alleges that the Defendant violated her rights under said statute.

6. Based on federal question jurisdiction, Defendant contends that the aforesaid State Court lawsuit may be removed to the Federal Court by the Defendant, pursuant to 28 U.S.C. § 1441(b).

7. No further proceedings have occurred in regards to the Complaint. Defendant has not served any Answer or other responsive pleading to the Summons and Complaint, nor made any appearance, argument or request for relief from the General Court of Justice, Superior Court Division for Guilford County, North Carolina.

8. This removal is timely in that it is filed with the United States District Court for the Middle District of North Carolina within thirty (30) days of the service of the Summons and Complaint in the State Court lawsuit, in accordance with 28 U.S.C. § 1446(b). Defendant is filing contemporaneously herewith a Notice of Removal with the Clerk of the

General Court of Justice, Superior Court Division for Guilford County, North Carolina, informing the State and the Plaintiff that the State Court lawsuit is being removed. A copy of the State Court Notice of Removal is attached hereto as Exhibit "B".

9. Defendant submits this Notice without waiving any defenses to the claims asserted by Plaintiff or conceding that Plaintiff has alleged claims upon which relief may be granted.

**WHEREFORE**, Defendant prays that this action be removed from the Superior Court of Guilford County, North Carolina, to the United States District Court for the Middle District of North Carolina.

Respectfully submitted this the 26<sup>th</sup> day of October, 2016.

JACKSON LEWIS P.C.

BY: /s/ Patricia L. Holland  
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**CERTIFICATE OF  
SERVICE**

The undersigned certifies that on October 26, 2016, the foregoing *Notice of Removal to Federal Court* was electronically filed with the Clerk of the Court, using the Court's CM/ECF electronic service system and served upon all parties and their counsel by depositing a copy of same in the United States Mail, postage prepaid and addressed as follows:

Norman B. Smith  
Smith, James, Rowlett & Cohen, LLP  
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*Attorney for Plaintiff*

JACKSON LEWIS P.C.

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